



FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

COPY MAILED

FEB 05 2004

In re Application of
Sakagawa, et al.
Application No. 10/618,610
Filed: July 15, 2003
Attorney Docket No. 00862.023136.
For: VIRTUAL SPACE
RENDERING/DISPLAY APPARATUS
AND VIRTUAL SPACE
RENDERING/DISPLAY METHOD

OFFICE OF PETITIONS
DECISION ON
PETITION

This is a decision on the petition filed November 10, 2003 requesting that Figures 25 and 26 be accorded a filing date of July 15, 2003. The petition will be treated under 37 CFR 1.53(e).

The application was filed on July 15, 2003. On October 14, 2003, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" informing petitioners that Figures 25 and 26, as described in the specification, appeared to have been omitted.

Petitioners request that Figures 25 and 26 be accorded a filing date of July 15, 2003 on the basis that 26 sheets of formal drawing figures, including Figures 25 and 26, were received in the Patent and Trademark Office (PTO) on July 15, 2003. In support, the instant petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing July 15, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 26 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 26 sheets of formal drawing figures were filed on July 15, 2003. MPEP 503. A review of the application file reveals that there are 24 sheets of drawing figures present. The missing sheets of drawings correspond to that which would have contained Figures 25 and 26.

Accordingly, the petition under 37 CFR 1.53(e) is **GRANTED**. No petition fee has been or will be charged in connection with this matter.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **July 15, 2003**, using the copy of Figures 25 and 26 submitted with the instant petition. Office records will be corrected to show that 26 sheets of drawings were present on initial filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

A handwritten signature in cursive script, reading "E. Shirene Willis". The signature is written in dark ink and is positioned above the printed name.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions